

By: Lucio

S.B. No. 781

A BILL TO BE ENTITLED

AN ACT

relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 232.038, Local Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a person who has purchased or is purchasing a lot after July 1, 1995, in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area, as defined by Section 17.921, Water Code, from a subdivider, may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, ~~and~~ require the subdivider to return the purchase price of the property, ~~and~~ and

~~(2)~~ recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

1 (D) reasonable attorney's fees; or

2 (2) enjoin a violation or threatened violation of
3 Section 232.032, require the subdivider to plat or replat under
4 Section 232.040, and recover from the subdivider:

5 (A) actual expenses incurred as a direct result
6 of the failure to provide adequate water and sewer facilities;

7 (B) court costs; and

8 (C) reasonable attorney's fees.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.